

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,*Plaintiff,***v.****EARL McALISTER,***Defendant.***CRIMINAL COMPLAINT****Case No.** 21-MJ-44-SPS

I, Joe Ennis, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about 11/17/2019, in the Eastern District of Oklahoma, defendant violated Title 18, United States Code, Section(s) 1111(a), 1151 & 1152 an offense described as follows: Murder in Indian Country

I further state that I am a special agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Joe Ennis, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.

Joe K. Ennis

Joe Ennis, Special Agent, FBI
Complainant

Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: March 15, 2021

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Stan Drue

Signature of Judicial Officer



AFFIDAVIT

1. I, Joe K. Ennis, am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18. In the course of my duties as special agent, I have investigated criminal violations related to Indian Country crimes, as explained in 18, United States Code, Section 1151 and as it pertains to the Major Crimes Act (MCA). Further, I have investigated crimes committed on military installations, violent crimes against children, complex white-collar crimes, civil rights, public corruption, and crimes against the National Security of the United States of America, which include investigating terrorism.

2. As your affiant, I have reviewed the following documentation: investigative reports from the year of 2019 of Earl MCALISTER, Edmon Lee MCALISTER, Jason Matthew ARMSTRONG, Jessie HANSEN, and Johnathan Allan CALDWELL, conducted by the Adair County Sheriff's Office and the Oklahoma State Bureau of Investigation. As your affiant I have reviewed the United States Supreme Court's Opinion re *McGirt v. Oklahoma* issued on July 9, 2020.

4. As your affiant, and having reviewed the aforementioned documentation, I have compiled a factual history below, which is predicated upon the investigative findings and Court rulings and opinions.

5. Therefore, I, Joe K. Ennis, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

6. VENUE: the facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specifically, the facts and circumstances occurred within the special maritime and territorial jurisdiction of the United States and in Indian Country, to wit the Cherokee Reservation.

7. DEFENDANT: the defendant is Earl MCALISTER. For purposes of federal jurisdiction, Earl MCALISTER is not an Indian and is not an enrolled member of any recognized tribe.

8. DEFENDANT: the defendant is Edmon Lee MCALISTER. For purposes of federal jurisdiction, Edmon Lee MCALISTER is not an Indian and is not an enrolled member of any recognized tribe.

9. DEFENDANT: the defendant is Jason Matthew ARMSTRONG. For purposes of federal jurisdiction, Jason Matthew ARMSTRONG is an Indian and is an enrolled member of the Cherokee Nation (Citizen ID 220092).

10. DEFENDANT: the defendant is Jessie HANSEN. For purposes of federal jurisdiction, Jessie HANSEN is not an Indian and is not an enrolled member of any recognized tribe.

11. DEFENDANT: the defendant is Johnatan Allan CALDWELL. For purposes of federal jurisdiction, Johnatan Allan CALDWELL is not an Indian and is not an enrolled member of any recognized tribe.

12. VICTIM: the victim is Randolph ENGLAND . For purposes of federal jurisdiction, Randolph ENGLAND is an Indian and is an enrolled member of the Cherokee Nation (Citizen ID 107634).

13. OFFENSE: On or about November 17, 2019, Earl MCALISTER, with malice aforethought and premeditation, unlawfully killed Randolph ENGLAND at the residence of V.G., located at Route 3, Stilwell, Oklahoma 74960 (Mulberry Hollow Community). Randolph ENGLAND did this within the Eastern District of Oklahoma, within the special maritime and territorial jurisdiction of the United States and within Indian Country-the Cherokee Reservation.

14. BACKGROUND: On or about January 15, 2020, V.G. (not charged in this complaint) admitted that Earl MCALISTER, Edmon Lee MCALISTER, Jason Matthew ARMSTRONG, Jessie HANSEN and Johnatan Allan CALDWELL, were present when Randolph ENGLAND (Victim) was fatally shot at V.G.'s residence located at RR3 Box 780, Stillwell, OK, 74960 and assisted in the disposal/destruction of evidence in relation to the murder of Randolph ENGLAND.

Johnatan Allan CALDWELL advised on the date of the incident, he was at V.G.'s residence, with her and Randolph ENGLAND. Johnatan Allan CALDWELL stated Earl MCALISTER came in and asked V.G. "If that him", referring to ENGLAND, to which she said it was. Earl MCALISTER advised he would be back and left, returning later with Edmon MCALISTER, Jason Matthew ARMSTRONG and Jessie HANSEN. Johnatan Allan CALDWELL stated Edmon MCALISTER sat next to him on the couch and he heard a clicking noise, looked down and saw Edmon MCALISTER with a set of brass knuckles. Johnatan Allan CALDWELL stated he then saw Earl MCALISTER pull a gun and point it to the stomach area of Randolph ENGLAND and the gun goes off. Johnatan Allan CALDWELL stated after the first shot, the gun was raised, and a second shot goes off striking Randolph ENGLAND under the chin or on the side of the neck. Johnatan Allan CALDWELL stated Earl and Edmon MCALISTER then loaded the body into the back of Earl MCALISTER's truck.

Edmon Lee MCALISTER stated on the date of the incident, he (Edmon Lee MCALISTER) and Jessie HANSEN were told by Earl MCALISTER to come with him (Earl MCALISTER) to V.G.'s residence. Edmon Lee MCALISTER thought they were going there to beat the person up, so he (Edmon Lee MCALISTER) took along his brass knuckles. Jessie HANSEN stated he also believed they were going to V.G's residence to beat up the person.

Edmon Lee MCALISTER advised upon arriving at V.G.'s residence, Earl MCALISTER pulled out a gun and shot ENGLAND twice. Jessie HANSEN stated Earl MCALISTER was standing near him and ENGLAND and he (Jessie HANSEN) was watching other people in the residence for trouble when he heard a shot and felt a sharp pain in his hand and thought he had been hit by a ricochet. Jessie HANSEN then stated that Jason Matthew ARMSTRONG told him to go sit in ARMSTRONG's truck.

Edmon Lee MCALISTER stated after the shooting, he assisted Earl MCALISTER load Randolph ENGLAND's body in the back of Earl MCALISTER's truck.

Earl MCALISTER, Edmon Lee MCALISTER, Jason Matthew ARMSTRONG, Jessie HANSEN, and Johnatan Allan CALDWELL all returned to Earl MCALISTER's property, located at RR3, Stillwell, OK, 74960, that same evening.

Jessie HANSEN stated after arriving back at Earl MCALISTER's residence, he went to his camper, which is also on the property and remained in the camper until Jason Matthew ARMSTRONG came into the camper with some medical supplies and helped him clean up his hand.

Edmon Lee MCALISTER, Johnatan Allan CALDWELL both stated they, along with Jason Matthew ARMSTRONG assisted Earl MCALISTER with stacking tires on the burn pile and Earl MCALISTER placed the body of Randolph ENGLAND on the tires and burned the body. Edmon

Lee MCALISTER stated after the fire was started, Earl MCALISTER made him clean the blood from the bed of the truck.

V.G. stated on the evening of November 17, 2019, she witnessed four men carrying Randolph ENGLAND from her house. She identified the men as Earl, (Earl MCALISTER) Edmon MCALISTER, Johnatan (Johnatan Allan CALDWELL), and Jessie (Jessie Hansen). V.G stated ENGLAND was bleeding from the stomach area and moaning saying "Take me to the hospital. I won't tell anyone". The individuals dragged ENGLAND across the ground and put him in the back of the truck owned by Earl MCALISTER. V.G. stated Earl MCALISTER put a gun to her head and said, "Don't fucking tell anyone or I'll kill you, now get down and do what you do". V.G. stated he was instructing her to get down and help clean up blood that was on the floor in the living room and on the front porch of the residence. V.G. stated she used clothing to clean the blood from the floor. V.G stated CALDWELL (Johnatan Allan CALDWELL) took a chair from the house and put it on a fire that was lit outside the residence. V.G stated she was instructed to take the clothing that was used to clean up the blood, put it in a metal bucket, and throw it on the fire, so she did.

Earl MCALISTER eventually agreed to show officers where he dumped the burnt remains. Human remains were scattered down a hillside on the side of the road, collected, and sent to the Medical Examiner's Office for Identification.

15. On the date of the murder, Randolph ENGLAND was an enrolled member of the Cherokee Nation (Citizen ID 107634).

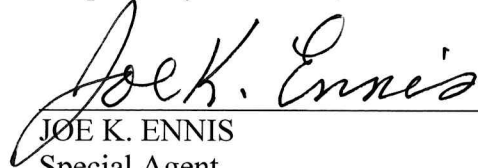
16. MURDER: on or about November 17, 2019, Randolph ENGLAND died from his wounds.

17. The facts presented in this affidavit are not a complete recitation of all the facts known to law enforcement, rather, the affidavit is solely offered to establish probable cause for the crime presented in this affidavit.


18. Based on a review of those documents and based on my knowledge and experience with violent crimes in Indian country, I, as your Affiant have probable cause to believe Earl MCALISTER has committed the offense of Murder in Indian country, in violation of Title 18 United States Code, Sections 1111(a).

19. Based on a review of those documents and based on my knowledge and experience with violent crimes in Indian country, I, as your Affiant have probable cause to believe Edmon Lee MCALISTER, Jason Matthew ARMSTRONG, Jessie HANSEN, and Johnathan Allan CALDWELL have committed the offense of Accessory After the Fact to Murder in Indian Country, in violation of Title 18 United States Code, Section 3.

Respectfully submitted,


JOE K. ENNIS
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 15th day of March 2021.


STEVEN P. SHREDER
United States Magistrate Judge